

## RULE III

### EXAMINATIONS AND EMPLOYMENT LISTS

#### PART I - EXAMINATIONS

##### SECTION 3.1 RESPONSIBILITY FOR EXAMINATIONS

All examinations shall be conducted under the direction of the Director. The Director shall announce, recruit for, plan, design, construct, schedule and administer examinations to establish or replenish regular employment lists. The merit system is based upon the principle that preference for public employment is given to those persons found to be most qualified through their success in competitive procedures based on job-related criteria. Therefore, examinations shall be based on job-related criteria and merit principles, and administered in accordance with professional personnel standards and cost-effective methods. (Amended 1-15-88)

##### SECTION 3.1.1 NOTICE OF EXAMINATIONS

The Director shall provide public notice of the competition by publishing an examination announcement and posting it at a public and conspicuous location at the Director's place of business for at least ten (10) days. The notice shall contain all pertinent information as determined by the Director. Announcements shall be distributed to all County Departments and Offices and the examination given other publicity so as to bring the examination to the attention of qualified persons. (Amended 1-15-88) (Amended 9-27-05)

##### SECTION 3.1.2 SERIES EXAMINATIONS - CONTINUOUS TESTING

A series of examinations for the same class of position may be announced by a single notice. Examinations may be administered as applicants are available or as employment needs require. The names of successful candidates shall be placed on one eligible list in relative grade order, regardless of the date they were tested.

##### SECTION 3.1.3 CHANGE TO EXAMINATION

The Director may amend examination announcements and has the right to revise examination plans to better meet the needs of the County. The Director shall notify applicants of the changes. (Amended 1-15-88)

##### SECTION 3.1.4 COMPETITION

Qualified applicants shall compete in one of the following types of examinations:

- (a) Open Examination - The examination shall be open to the public; or
- (b) Promotional Examination - Competition shall be limited to employees in the County Service who received their appointment from an employment list, to former employees of the County Service on a reinstatement list, former employees on a reemployment list as a result of layoff pursuant to Section 14.1.12, or to employees on authorized leave of absence. (Amended 8-20-96)

### SECTION 3.1.5 SPECIAL EXAMINATION

Special examination accommodations will be provided for:

- (a) An employee who missed an examination while on military leave;
- (b) A candidate who cannot take an examination at the regularly scheduled time due to a disability, hospitalization, religious reasons, or other justifiable reason acceptable to the Director. (Amended 9-27-05)

Examinations shall be subject to the conditions that existed at the time the original examination was given, insofar as practicable. Placement on the employment list shall be according to the rule governing employment lists, provided that no appointments already made from the list shall be affected. (Amended 8-20-96)

### SECTION 3.1.6 SPECIAL EXAMINERS

The Director may designate and appoint special examiners to conduct any part of an examination.

### SECTION 3.1.7 EXAMINATION CONTENT

Examinations shall be job related in order to test the ability of applicants to perform the duties of the job classification. Applicants may be given written, oral, physical agility or performance skills tests, as well as being evaluated on the basis of their application or required supplementary material.

### SECTION 3.1.8 RETAKE OF TESTS

Retakes of tests of physical agility and/or performance skills will be permitted when specified in the examination announcement.

### SECTION 3.1.9 EXAMINATION SCORES

Candidates shall be graded on a scale with a maximum value of 100, plus any preferential credit authorized by Charter.

### SECTION 3.1.10 SCORES

Examination scores shall be carried out to one decimal place (tenths). Candidates receiving the same score shall be grouped together in a rank which shall be used in the certification process. (Amended 11-24-81)

### SECTION 3.1.11 REVIEW OF WRITTEN TEST

- (a) Inspection of Answer Key. An examination review period shall usually be established for the purpose of reviewing the answer key to be used to score a written test. At the time of the written test, applicants shall be notified of the review period which shall be at least two (2) work days. Applicants must personally appear in the Director's office during the designated review period.

At the time of the review period, applicants may register objections to any questions, items or answers they believe to be incorrect or unfair. The Director may remove such items and make alterations to the answer key as justified.

A review period shall be designated except in the situation where a standardized test is used, an exam booklet is obtained from another agency or to assure the confidentiality of test materials which have not yet been administered.

(Amended 9-27-05)

- (b) Review of Answer Sheet. Candidates may review their answer sheet against the answer key for a written test in order to check accuracy of the scoring. This review period shall be for ten (10) days from the date the Director's notification of the examination results are postmarked. Any scoring discrepancies must be brought to the Director's attention before leaving the office.

(Amended 1-15-88) (Amended 9-27-05)

### SECTION 3.1.12 OBJECTIONS TO OTHER PARTS OF EXAMINATION - TIME PERIODS

Objections to the examination or its parts shall be petitioned in writing to the Director and include specific grounds, evidence, information or facts to support the objection and a proposed remedy. The following time limits shall apply:

- (a) Objections to the administration of a part of an examination shall be petitioned to the Director at the time of administration or no later than five (5) work days of the occurrence of the examination part.
- (b) Objections to the results of an examination shall be petitioned to the Director no later than ten (10) days from the date results are postmarked. (Amended 1-15-88)

### SECTION 3.1.13 INVESTIGATION OF OBJECTIONS TO EXAMINATIONS

The Director shall investigate and resolve objections to an examination within fourteen (14) days and notify the petitioner of the findings. If the Director does not respond within fourteen (14) days or denies the petitioner's request, the petitioner may then, within ten (10) days, appeal the matter to the Civil Service Commission. A petition or an appeal shall not delay the selection process unless the Director or Civil Service Commission determines that the relief sought by the petitioner can be granted through no other means. (Amended 1-15-88)

#### SECTION 3.1.14 PREFERENTIAL CREDITS FOR MILITARY SERVICE

In open examinations, in addition to all other credits, a credit of five percent of the maximum rating prescribed for the examination shall be given to successful examinees who have served during a war (war is defined in Section 205 of the State Revenue and Taxation Code) in the military or naval service of the United States including all uniformed auxiliaries authorized by Congress, and who have subsequently been separated, placed on inactive duty, or retired under honorable conditions without full pensions.

The Director gives the credit to veterans only once and only upon their first employment or reemployment after disengagement from service. In accordance with the County Charter, this credit can only be granted during the eight-year period following such disengagement.

#### SECTION 3.1.15 PREFERENTIAL CREDIT FOR VETERAN'S SPOUSE

The spouse receives a credit of five percent on every open examination taken and passed if:

- (a) The veteran died in the service;
- (b) A former member of the service cannot engage in a gainful occupation because of a service-connected disability.

#### SECTION 3.1.16 CREDIT FOR MILITARY DISABILITY

A five percent credit shall be given to a person who has been separated, placed on inactive duty, or retired under honorable conditions from the service and who has a service-connected disability as recognized under Federal law. This credit is in addition to the one authorized by Section 3.1.14 and is applicable to every open examination taken and passed.

#### SECTION 3.1.17 ELIGIBILITY DEADLINE

Eligibility for preferential credit must be determined prior to the adoption of the eligible list.

#### SECTION 3.1.18 TEMPORARY SUSPENSION OF COMPETITIVE EXAMINATION

Upon satisfactory evidence that it is impractical to conduct a competitive examination for positions requiring extraordinary scientific, professional or expert qualifications, the Director may temporarily suspend the competitive examination process and permit the appointing authority to make an appointment by the selection of a person of recognized attainment. All such cases of suspension shall be reported, together with the reasons therefore, to the Civil Service Commission. (Amended 1-15-88)

## PART 2 - EMPLOYMENT LISTS

### SECTION 3.2.1 EMPLOYMENT LISTS - TYPES

The Director shall establish, adopt, replenish and maintain, the following employment lists of persons eligible for appointment and qualified to perform the work of a class:

- (a) Reinstatement Lists
  - (b) Regular Lists
  - (c) Seasonal Lists
  - (d) Reemployment Lists
  - (e) Transfer Lists
- (Amended 1-15-88)

### SECTION 3.2.2 REINSTATEMENT LISTS

Reinstatement lists shall be maintained in accordance with Sections 14.1.10 and 14.1.11 of these Rules. (Amended 1-15-88)

### SECTION 3.2.3 REGULAR LIST

A regular list is composed of candidates who have successfully completed an examination. The following shall govern the preparation, maintenance and amendment of a regular list:

- (a) Order of Names. Candidates who are successful in an examination shall have their names placed upon the regular list in the class and option for which they were examined and according to the ranking of their final grades.
- (b) Adoption. A regular list shall be in effect from the date on which it is adopted. Adoption shall be by the Director.
- (c) Duration. Regular lists shall be valid for one year unless otherwise stated in the examination announcement. The Director may authorize extensions for specified periods of time but in no event shall a list be in force for more than three (3) years.

The Director may abolish a regular list upon promulgation of a new list; or upon finding that there has been fraud, collusion, or other irregularity in the examination process. When a list is abolished, the Civil Service Commission and all persons on the list shall be notified of such action and the reasons therefore.

- (d) Merger. The Director may merge regular lists for a class or comparable classes in the order of final grades where the examination plan and tests were substantially similar. Names merged shall bear the same expiration dates as prior to the merger. (Amended 1-15-88)

#### SECTION 3.2.4 SEASONAL LISTS

The Director may establish seasonal lists. Such lists shall be established at the beginning of the calendar year and will consist of the names of persons who were certified from a regular list and performed seasonal services within the past two (2) years. (Amended 1-15-88)

#### SECTION 3.2.5 REEMPLOYMENT LISTS

The Director shall establish and maintain a reemployment list for each class in accordance with the provisions of this rule:

- (a) Eligibility for Placement. Placement on the list must be requested by the former employee and shall be on a form prescribed by the Director. The former employee must have separated from County Service after having attained permanent status and performed satisfactorily with verifiable service of standard or above.

Placement shall be to the same class where permanent status was most recently attained or to a class having the same or a lower top prescribed rate within the same occupational area.

- (b) Order of Names. The order of names shall be unranked.
- (c) Duration. Eligibility shall expire three years from the date of separation from County Service except for former employees receiving County retirement benefits.
- (d) Reemployment of Retired Employees. Former employees receiving County retirement benefits shall be placed on reemployment lists subject to the conditions set forth in (a) and (b) above. Actual reemployment shall be for temporary employment only and shall not exceed one hundred twenty (120) working days or 960 hours, whichever is greater, in a fiscal year in accordance with Government Code Section 31680.6. Placement shall be for one year and retired employees may resubmit placement requests.  
(Amended 1-15-88) (Amended 9-27-05)

#### SECTION 3.2.6 TRANSFER LISTS

The Director shall establish and maintain a transfer list for each class in accordance with the provisions of this rule.

- (a) Eligibility for Placement. Placement may be requested by a current employee serving in a permanent or certified-temporary appointment in the Classified Service. Each request shall be on the form prescribed by the Director and for a period of one year which shall be renewable upon expiration. The Director shall verify eligibility and place names in an unranked order so as to allow for:  
(Amended 9-27-05)
  - (1) Lateral Transfers and Demotions from current class to current class or to any class of equal or lower prescribed pay range, including compensation for special skill assignments, provided that the employee possesses the required employment standards and qualifications for appointment.

- (2) Promotions from current class to a class where permanent status was previously attained, and if the employee served in that class within the last three (3) years.
  - (3) Employees Serving Certified Temporary Appointments may be placed on a transfer list only for certified temporary appointment consideration unless certifiable for a permanent appointment in current class.
  - (4) Employees on a reinstatement list or former employees on a reemployment list as a result of layoff pursuant to Section 14.1.12 may laterally transfer or demote as if an incumbent in the class where reinstatement rights were granted. Eligibility for placement on a transfer list under this provision shall continue until the removal or expiration of the employee's name on the reinstatement or reemployment list. The employee must possess the requisite knowledge and skills for the class as evaluated by the Director, to be granted placement on a transfer list. The Director's evaluation may be appealed to the Civil Service Commission. (Amended 8-20-96)
- (b) Reassignment is NOT a Transfer. For the purpose of this rule, the assignment of an employee to another position in the same class in the same department shall not be considered to be a transfer.
- (c) Probationary Periods After Appointment From a Transfer List.
- (1) Employees shall serve the probationary period established unless waived by the Director.
  - (2) The probationary period shall be waived by the Director when an employee is appointed to a position in a different class in the same department if the knowledge, skills and salary, including compensation paid for special skills or assignments, for the new class are the same as those required in the former class.
  - (3) Probation may be waived by the Director, upon request of the appointing authority, when the employee is appointed to a class in which probation was previously passed. (Amended 1-15-88)